

REMARKS

In the Official Action of September 14, 2005, claims 1-4, 6 and 9 were rejected under 35 U.S.C. 102(a) as being anticipated by Pargass et al. (US Patent No. 6,572,596). This rejection is respectfully traversed.

The Examiner states that the Pargass et al. reference discloses an absorbent article having a pair of side panels connected to the main body waist portions of the article. Moreover, the Examiner asserts that each side panel is formed from a first side portion extending laterally outward from a first main body waist portion, and a second side portion extending laterally outward from a second main body waist portion. Finally, the Examiner states that the side portions intersect the waist opening and leg openings at seam angles relative to the vertical axis.

Notwithstanding the Examiner's comments regarding the disclosure of the Pargass et al. reference, applicant points out that there are significant differences between the reference and the instant invention as presently claimed. These differences are described below.

Referring to amended claim 1, applicant has now revised claim 1 to recite that the adjustment arrangement, previously recited, is formed from components including a pair of adjustment tabs and a pair of adjustment tab fasteners. The adjustment tabs are attached to the side panels at the side seams. This adjustment arrangement is completely different from the adjustment arrangement described in Pargass et al.

Pargass et al. utilizes elastic side belts (18) located on each side of the absorbent garment to adjust the fit of the garment while being worn by the user. The elastic side belt is attached to each side of garment (10), forming waist hole (20) and leg holes (22). The belt is joined to the garment along seams (24). Adjustment strip (26) is attached to the elastic side belt for assisting in the adjustment of the garment to the user.

Thus, as can be seen from Pargass et al., the reference differs from the presently claimed invention in several significant aspects. The elastic side belts of Pargass et al. are permanently affixed to each side of the garment, and adjustments are made by an adjustment strip.

In contrast, the present invention utilizes adjustment tabs which are attached to one side of the side panel. The adjustment tabs have lateral edges and are joined to the side panels at the side seams. These seams are capable of forming angles at the respective openings of the garment, i.e. waist and leg openings. The fasteners, in turn, are attached to the tabs and can attach to the main body of the garment.

The reference does not have tabs attached to side panels through a seam. Rather, the reference has a single elastic belt permanently affixed to both sides of the garment at the seams. (there are a total of 4 seams in the garment of Pargass, et al.) Thus, the reference cannot provide for the use of fasteners for joining (and unclasping) the side panels from the body of the garment. Accordingly, not only does the reference omit several elements of the presently claimed invention, but it also functions in a completely different way.

Claims 10-13 also stand rejected under 35 U.S.C. 103(a) as obvious over Purgass et al. This ground of rejection is also traversed.

The examiner states that the embodiments covered by claims 10-13, involving differences in seam angles, can be derived from the reference by a process of optimization. However, applicant notes that the seam angle of the present invention joins the tab and the side seam, while in Pargass et al., the seam angle is formed by the elastic belt which is permanently attached to the body of the garment.

Dependent claims 10-13 are also patentable over the reference for reasons stated above in connection with the traversal of the rejection of independent claim 1.

In view of the aforementioned facts and reasons, the present application is now believed to overcome the remaining rejections in this application, and to be in proper condition for allowance. Applicant submits that the above-identified amendments serve primarily to further clarify the claimed invention, and do not raise any additional issues or require any further consideration or search on the part of the Examiner. Accordingly, entry of the foregoing amendment, and reconsideration and withdrawal of the rejections, is respectfully solicited. The Examiner is invited to contact the undersigned at the telephone number listed below to discuss any matter pertaining to the status of this application.

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Respectfully submitted,

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